

**1. Statutory Authority:** Cite appropriate law, ordinance.

**2. Definitions:** This section should define “Record” and related terms and cite MA General Laws if possible. For example:

As used in this Ordinance, and in the development of the policies by the Town Clerk

*Record* means all documents, papers, letters, warrants, deeds, reports, minutes of meetings, maps, charts, blueprints, photographs, films and microfilms, software used to process information as well as the information stored electronically which may be created by or provided to the Town of Westford, their officers, and employees acting in their official capacities. The term shall also include books, reports, and pamphlets produced by the Town, newspaper notices of official actions by the Town or its officers, audio and video recordings made or received pursuant to law or ordinance or in connection with the transaction of official business of the Town of Westford.

*Original* refers to both the retained record copy and the copy maintained for use of the recipient or other authorized persons, or any other record designated by the Municipal Records Committee as original.

*Duplicate* means any accurate, unaltered, unabridged copy of a record or series of records which is not original.

*Nonrecord* materials are those extra copies of materials preserved only for convenience or reference as well as redundant copies of official publications of the Town .

*Permanent* records are those that by state statutes and administrative rules, the Code of Federal Regulations, or when so designated by the Municipal Records Committee, the custody of which “shall remain with the municipality forever”

*Scheduled* records are those that, by statute and administrative rules of the Commonwealth of Massachusetts or the Code of Federal Regulations, need only be retained for a stated period. The Town Clerk may determine that such records are to be maintained by the Town for a period longer than the minimum required period, subject to approval by the Town counsel. Such determination will be made a matter of record by the Committee and incorporated in the Town-wide Records Retention Schedule.

*Vital* records are those records and materials, whether permanent or scheduled, which are essential for the continuing operation of Town departments. They establish the legal and financial status of the Town and document the rights and obligations of the Town and its constituents. These records should be so designated by departments to insure that, in the event of a disaster, the information they contain may be accessed to insure that the Town can continue to operate and deliver services to the citizens of Westford.

*Records Retention Schedule* is the Town-wide schedule indicating (a) how long records are to be retained in the department responsible for their creation or use, and (b) how long they must be retained to satisfy requirements mandated by the State’s statutes or administrative rules, the Code of Federal Regulations, or longer periods mandated by the Records Management Committee before disposal or destruction.

*Disposal* shall be in accordance with guidelines and procedures developed by the Town Clerk to

assure that records of continuing value are not inadvertently removed or destroyed. Records designated as confidential by the office or department responsible for their custody shall be disposed under the supervision of the Town Clerk's liaison in a manner that ensures the information they contained cannot be recaptured or reconstructed.

**3. Management Responsibilities of the Town Clerk.** [The City of Gloucester, MA has one of the better delineations of these responsibilities \(quoted below in full\):](#)

The Town Clerk shall oversee the execution of policies and orders of the [State's] Supervisor of Public Records and provisions of [cite statute, if any]. To that end the Town Clerk shall develop a program comprising procedures, standards, and techniques for ensuring adequate custody, preservation, and accountability of records and for archives management, as follows:

- a) advise departments in the administration and safekeeping of records and archival materials;
- b) appraise all inactive municipal records for their historical, administrative, legal, fiscal, cultural, or other important value;
- c) establish procedures for the lawful transfer and disposition of noncurrent records, including those of semi-active status which must be retained for varying periods of time, but which are not needed frequently for the conduct of current business;
- d) plan and provide one or more records centers for accepting, storing, retrieving, servicing, and protecting such records;
- e) implement retention and disposition schedules;
- f) receive from Town agencies for permanent archival storage records scheduled for permanent retention and those records that have an enduring historical value, when those records are no longer necessary for conducting current business;
- g) plan, establish, and operate an archives repository in order to store, secure, process, and conserve said records and to make them available for governmental reference and public use;
- h) in consultation with agencies having custody, identify the records most vital to the operation of the Town, which record shall be preserved in protected storage in order to survive disaster;
- i) prepare plans and schedules relative to the retention, disposition, and preservation of records, and insure the compliance with State regulations governing them;
- j) prepare inventories, indexes, guides, and other resource aids to facilitate the use of the public records of the Town;
- k) establish procedures for identifying the authoritative copy of record of documents, . . . and identifying the office responsible for retaining the copy of records.

In order to carry out the above duties and procedures the Town Clerk may request advice and assistance from the departmental Records Coordinators and the Municipal Records Committee.

**4. Appointment of departmental Records Coordinators.** [The City of Tampa, FL has adopted the following language:](#)

Each department in the Town shall designate a representative to coordinate the management of records in that department. The representative shall:

- (1) Coordinate all records management activities and functions within the department and with the Town Clerk;
- (2) With the advice and assistance of the Town Clerk, inventory or manage the inventory of all public records for disposition scheduling and transfer action according to procedures prescribed by law or promulgated by the Town Clerk;
- (3) Consult with any other personnel responsible for the creation or maintenance of specific

records within his/her department regarding records retention and transfer recommendations;

(4) Analyze records inventory data, examine and compare division or unit inventories for duplication of records, and recommend to the Town Clerk minimal retention periods for all copies commensurate with legal, financial, and administrative needs;

(5) Review established records retention schedules at least annually to ensure that they are complete and current.

**5. Creation of a Municipal Records Committee.** Based upon the Gloucester, MA and Nevada models, it might read:

In order to promote appropriate storage, security, preservation, and accessibility of all records held by the Town of Westford, there shall be created a Municipal Records Committee. The Committee shall consist of: a representative of the Town Administrator's office, the Town Clerk, Finance Director, Historical Commission, School Department, and [other heads of departments ...]. Departmental records co-ordinators may serve as alternates.

The Committee shall:

a) Regularly review standards, procedures, and techniques for the effective management of the records of the Town of Westford;

b) Make continuing surveys of current practices for the management of records and recommend improvements in those practices, including the use of space, equipment, and supplies to create, maintain, and store records;

c) Establish a program for the protection of records essential for the continuation or re-establishment of governmental operations in the event of natural or other disaster;

d) Establish a program for the preservation and conservation of records designated by the state or Committee as having permanent archival or historical value;

e) Apply for grants and accept gifts of money and/or property in the name of the Town of Westford, subject to the approval of the Town Administrator and Board of Selectmen, such gifts to be managed and controlled by the Municipal Records Committee;

f) Hire consultants or contractors as needed, and

g) Shall render a report annually to Town Administrator and Board of Selectmen regarding the development and status of the Town's Records Management Program.

**6. Appointment of Records Manager/ Archivist.** The language creating this position might read:

The position of Records Manager / Archivist is hereby created. This individual is charged with the day-to-day administration of the Town's Records Management and Archives program and carrying out the policies developed by the Town Clerk and the Municipal Records Committee.

a) He or she shall regularly report to the Committee and recommend for their consideration and approval standards, procedures, and techniques for the effective management of records and shall be responsible for maintaining and operating centers for storing and receiving records from Town departments, pending their disposition or disposal;

b) He or she shall supervise and be responsible for all data-entry in the Town's Records Management system. The Technology Department will ensure periodic back-up of that information;

c) S/he will be responsible for implementing a program for the preservation and conservation of those records designated by statute or determination of the Municipal Records Committee as permanent or possessing historical value; and

d) S/he will supervise the destruction or disposal of scheduled records and will attest that such destruction/disposal was carried out in the manner required by the Rules of the State's Supervisor of Public Records.